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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/774,604 | 02/10/2004 | George Lee | OP-093000425 | 1681 |

7590 08/02/2006
Yi-Wen Tseng
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Fairfax, VA 22033

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| EXAMINER |
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DEAK, LESLIE R

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| ART UNIT | PAPER NUMBER |
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3761

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,604

Applicant(s)

LEE, GEORGE

Examiner

Leslie R. Deak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following lack of antecedent basis. The claim recites "the gas delivery tube" in line 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. For purposes of examination, Examiner is interpreting the "gas delivery tube" to comprise the tubing spanning the inlets and outlets previously recited.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,430,078 to Sprague.

In the specification and figures, Sprague discloses the device as claimed by applicant. With regard to claims 1-3, Sprague discloses a blood infusion system with a pressurization device or pump 10 with a housing 14 and an access door 12. The pressurization device comprises a gas inlet line 54. Valve or switch 56 connects gas inlet 54 to gas outlet 60, wherein the gas outlet 60 is connected via various other conduits and controllers to bladder or liquid transfusion bag 80. The gas outlet line further comprises a pressure gauge 70 and pressure regulator 62. The Sprague device

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also comprises a knob on the front of the enclosure that may regulate gas pressure, as well as a hollow gas “reservoir” 48 (fitting 48 may be a reservoir, since it is capable of holding gas) with an outlet end connected to the gas inlet line 54 and an inlet end connected to gas supply 42. Fitting 48 comprises a bottom or “rear” portion (unlabeled) comprising a flat panel with sides that protrude from the central axis of the fitting 48.

Sprague further discloses a lid 12 and illustrates an opening for exit tubing, but does not disclose that it covers the rear of the device. However, absent any showing of criticality of the lid portion being located at the rear of the device, it is the position of the examiner that the location of the lid and central opening on the front or the rear of the pressurization device is a matter of engineering or design choice, since the location of the lid at the front or the rear of the device does not appear to affect the function of the enclosure or the operation of the device.

With regard to applicant’s claim limitation drawn to a “wall mount,” the description of the structure as a “wall mount” is a statement of the intended use of the device. Sprague discloses that the gas reservoir opening comprises a slide channel behind retaining tabs 38, 40, and an adjustable bottom rim 36 that holds the gas reservoir. The structure (specifically the brackets and recesses) disclosed by Sprague is capable of acting as a wall mount when mated with a proper mounting bracket that engages with the brackets and recesses illustrated by Sprague, thus meeting the limitations of the claims.

With regard to claims 4 and 7, Sprague discloses that the device comprises a gas tube with one end connected to the pressurization device and another connected to

the liquid transfusion bag 84 via bladder 80. The tubing conduit at 44 and 46 has a proximal end connected to the gas reservoir and a distal end connected to the gas supply, thus meeting the limitations of the claims.

With regard to claims 8-9, Sprague discloses a relief valve at the distal end of the gas supply line, which functions as a plug (preventing air from escaping when closed) and a switch (opening and closing to vent excess pressure), meeting the limitations of the claims.

With regard to claim 11, Sprague discloses that pressure regulator 62 comprises knob 66 that may be turned to adjust gas flow (see column 3, lines 55-65).

4. Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,430,078 to Sprague in view of US 3,460,277 to Adelberg.

In the specification and figures, Sprague discloses the device substantially as claimed by applicant (see rejection above) with the exception of a branching device and a gauge mounted on top of the gas transfusion bag and coupled to the gas supply source.

With regard to claims 5 and 6, Adelberg discloses an infusion system with a gas supply or pressure reservoir 10 connected to a gas delivery tube (11, 14, 33, see FIG 1). The gas delivery tube comprises a y-branch at flow restrictor R_1 . At the branch, gas may flow through alternate gas supply lines 47 and 46 to an alternate location if the valves at the 1st flow are closed in order to use a different pressure threshold to fill the pressurization bag. The alternate lines serve to redirect gas to fill a pressurization bag under a different pressure threshold (see column 4, lines 1-55). It would have been

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obvious to one having ordinary skill in the art at the time of invention to add a second gas delivery branch as disclosed by Adelberg to the infusion device disclosed by Sprague in order to allow the gas transfusion bag to be filled according to various pressure thresholds, as taught by Adelberg. Adelberg does not specifically disclose that the device is connected to more than one pressurization bag, but the device disclosed by Adelberg is capable of being connected to more than one bag, meeting the limitations of the claims.

With regard to claim 10, Adelberg discloses an infusion system with a gas transfusion bag 30 and a gas pressure reservoir 10 (see FIGS 1, 12). Connected between the gas reservoir and the gas transfusion bag is gauge 70 which may function as a gas meter as claimed by applicant. The gauge 70 provides an indication of current gas pressure and flow rate in the infusion line 14 (see column 5, lines 1-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add another gauge on the gas line between the gas supply and the transfusion bag, as disclosed by Adelberg, to the infusion assembly as disclosed by Sprague, in order to provide an indication or meter of flow rate and pressure, as taught by Adelberg.

Conclusion

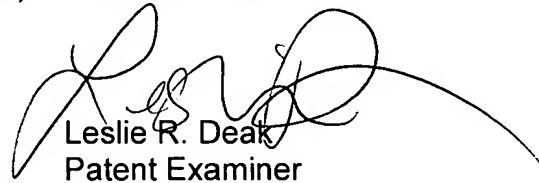
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. US 3,895,741 Nugent
 - i. IV infusion apparatus
- b. US 4,432,468 Siff et al
 - ii. IV delivery system with inflatable bag
- c. US 6,280,408 Sipin
 - iii. Controlled fluid transfer system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie R. Deak whose telephone number is 571-272-4943. The examiner can normally be reached on M-F 7:30-5:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leslie R. Deak
Patent Examiner
Art Unit 3761
31 July 06

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

